

Aug 15, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

CARLOS MANUEL MARQUEZ-PIERCE,

Defendant.

No. 2:19-CR-0108-WFN-1

Protective Order for Minors and Order
Re: Compliance with 18 U.S.C.
§ 3509(d)

Pending before the Court is the Government's Unopposed Motion for a Protective Order. ECF No. 22. The privacy protection measures mandated by 18 U.S.C. § 3509(d), when a case involves a person under the age of eighteen years, who is alleged to be a victim of a crime of sexual exploitation, or a witness to a crime committed against another person, apply to this case. The Court has reviewed the file and Motions and is fully informed. Accordingly,

IT IS ORDERED that:

1. The Government's Unopposed Motion for a Protective Order, filed August 8, 2019, **ECF No. 22**, is **GRANTED**.

2. All persons acting in this case in a capacity described in 18 U.S.C. § 3509(d)(1)(B), shall follow and abide by the privacy protections of 18 U.S.C. § 3509(d)(1) and (2) as follows:

(d) Privacy protection.--

(1) Confidentiality of information.—

(A) A person acting in a capacity described in subparagraph (B) in connection with a criminal proceeding shall--

1 (i) keep all documents that disclose the name or any other information
2 concerning a child in a secure place to which no person who does not have reason to know
3 their contents has access; and

4 (ii) disclose documents described in clause (i) or the information in them
5 that concerns a child only to persons who, by reason of their participation in the proceeding,
6 have reason to know such information.

7 (B) Subparagraph (A) applies to--

8 (i) all employees of the Government connected with the case, including
9 employees of the Department of Justice, any law enforcement agency involved in the case,
10 and any person hired by the Government to provide assistance in the proceeding;

11 (ii) employees of the court;

12 (iii) the defendant and employees of the defendant, including the
13 attorney for the defendant and persons hired by the defendant or the attorney for the
14 defendant to provide assistance in the proceeding; and

15 (iv) members of the jury.

16 (2) Filing under seal.--All papers to be filed in court that disclose the name of or
17 any other information concerning a child shall be filed under seal without necessity of
18 obtaining a court order. The person who makes the filing shall submit to the clerk of the
19 court--

20 (A) the complete paper to be kept under seal; and

21 (B) the paper with the portions of it that disclose the name of or other information
22 concerning a child redacted, to be placed in the public record.

23 3. Counsel shall remind all persons providing assistance on this case of these
24 obligations

25 4. Any alleged minor victim will be referred to by a pseudonym, as agreed upon by
26 counsel for the United States and the Defendant. Counsel shall be consistent in their use of
27 the identifier selected. The parties shall prepare their witnesses and instruct them to refer to
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1 the alleged minor victims only by using the agreed pseudonyms (e.g., "Victim-E" etc.),
2 rather than their names, in opening statements and in closing arguments.

3 5. All personal information relating to any minor victim shall be precluded from
4 public disclosure.

5 The District Court Executive is directed to file this Order and provide copies to
6 counsel.

7 **DATED** this 15th day of August, 2019.

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10 WM. FREMMING NIELSEN
11 SENIOR UNITED STATES DISTRICT JUDGE

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